FORDHAM UNIVERSITY LIBRARY
0 2016 1077332 1
BX
1792
.A75
copy 2
Dec 19 59
5 Mar '60
MAR 21 '77
FORDHAM UNIVERSITY
LIBRARY
NEW YORK, N.Y.

Digitized by the Internet Archive
in 2026

https://archive.org/details/elizabethanperse0000unse

The Elizabethan Persecution

THE ELIZABETHAN PERSECUTION

Did its Victims suffer for the Old Faith of England or for Treason?

By
A. HILLIARD ATTERIDGE

FORDHAM
UNIVERSITY
LIBRARIES

WITHDRAWN
FROM
COLLECTION

HARDING & MORE LTD
119 HIGH HOLBORN, LONDON
W.C.1

BX
1492
.A75
copy 2

First Printed, April 1928

FORDHAM UNIVERSITY
LIBRARY
NEW YORK, N.Y.

Made and Printed in Great Britain for the Ambrosden Press by Hazell, Watson & Viney, Ld., London and Aylesbury.

15/6/29
TPG

CONTENTS

I

THE Reformation one aspect of a great revolution in the Europe of the Sixteenth Century—growth of absolutism at close of the Middle Ages—exaggerated claims for royal, princely and State authority—Luther a champion of autocracy—autocratic State support characteristic of the Reformation. pp. 11–15.

II

ABSOLUTISM of the Tudors in England—extension of the royal power to Church as well as State—to understand the position under Elizabeth, the events that were its prelude must be briefly surveyed—Henry VIII and the Royal Supremacy—royal assertion of headship in religion makes religious dissent "treason"—victims of persecution under Henry—common practice of persecutors to use the pretext of repressing treason and sedition—the "Pilgrimage of Grace"—victims of the vengeance that followed not claimed as martyrs—Henry's persecution of Protestants. pp. 16–21.

III

THE first step—separation from the Holy See having been thus taken, further development of the English Reformation followed under Edward VI—step after step towards the Protestantism of the Continental Reformers—Cranmer chief agent in the change—action to abolish the Mass and the

Catholic doctrine of priesthood and the Holy Eucharist —the First and Second Prayer Books and the new service of the Lord's Supper—new Ordinal, Book of Homilies and Articles of Religion—altars removed and churches stripped—marriage of the clergy introduced—Protestant divines brought from the Continent—popular resistance—death of Edward (1553) *followed by Catholic reaction under Mary* (1553–8)— *critical situation on accession of Elizabeth.* pp. 21–7.

IV

FIRST Parliament of Elizabeth (1559)—*differences between a Tudor Parliament and that of to-day—policy of Elizabeth and her Council to resume that of Henry and Edward—this policy to be codified in two laws—the Act of the Royal Supremacy and the Act of Uniformity—*(1 *Eliz. cap. i and ii)—these created the new "Church of England as by law Established."—Act of the Royal Supremacy—the new oath—persistent disobedience to be High Treason—protests of Convocation and the Episcopate—the Act of Uniformity—service of Edward's Second Prayer Book to replace the Mass—new situation affecting every parish and household in England—a complete change in religious worship and practice to be enforced.* pp. 27–33.

V

EXECUTION of the new laws—removal of the Catholic hierarchy—creation of new State hierarchy—attitude of clergy and laity—many accep-

tances of the new order, but considerable passive resistance—laws made more stringent—reports of new bishops show opposition existed in every diocese —systematic persecution by fines and imprisonment —altars thrown down and churches desolated— instances of Bishop Grindal's persecuting activity— use of torture—no executions in this first period of over ten years—but government relied on the Catholic priesthood gradually dying out—essentially a persecution of religion—which later became fiercer when efforts were made by Catholics to provide priests educated abroad. pp. 33–9.

VI

ALLEN'S seminary founded at Douai (1568)— *Mary, Queen of Scots a prisoner in England— a Catholic minority begins at last to contemplate active resistance—movement nearly confined to the North—Percy and Neville and the Rising of the North* (1569)*—first and last armed action of Catholics during Elizabethan persecution—past precedents for such action against misgovernment—later instance of* 1688 *by the Protestants—failure of the Northern Rising—numerous executions, but only two of the victims reputed as martyrs—this because they refuse life at the price of apostasy—the excommunication—cases of Felton and Storey—remarks on cases of five Beati of the years after the Rising —distinction between treason in the normal sense of the term, and the "law-made treason" of statutes directed against religion. (Note on case of Roger Ashton.)* pp. 40–52.

VII

NEW legislation against the Catholics—nominally directed against sedition, really against religion—increased severities after the coming of the first priests from the seminaries and the first Jesuits—the Act of 27 Elizabeth, cap. ii (1585)—methods of enforcing the law show its essential character—complete abstention of Catholics from anything like active resistance—instructions received by the seminary priests and the Jesuits in England to hold aloof from all politics. pp. 52–9.

VIII

TYPICAL instances of proceedings against the martyrs—case of Cuthbert Mayne—and of Roger Dickenson and Ralph Millar—attempts to introduce political motives into the charges—Edmund Campion—Thomas Sherwood—loyalty of the Catholics in the crisis of the Armada year—the executions after the defeat of the Armada. pp. 59–70.

IX

SUMMARY of the argument showing that the martyrs suffered for their religion. pp. 70–2.

Challoner, *Memoirs of Missionary Priests.* New edition, revised and corrected by J. H. Pollen, S.J., 1924. (B.O. & W.)

J. H. Pollen, S.J., *Acts of English Martyrs.* (B.O. & W.)

Bede Camm, O.S.B., *Lives of the English Martyrs,* beatified by Pope Leo XIII, 2 vols. (B.O. & W.)

Edwin Burton, D.D., and J. H. Pollen, S.J., *Lives of the Venerable English Martyrs,* 1583–1588. (Longmans.)

Catholic Record Society : Vol. V, *English Martyrs,* 1584–1603.

Norbert H. Birt, O.S.B., *The Elizabethan Religious Settlement.* (Bell.)

J. H. Pollen, S.J., *The English Catholics in the Reign of Queen Elizabeth,* 1558–1580. (Longmans.)

Cardinal Allen, *Defence of English Catholics,* 1584, reprinted 1914. (Herder.)

For a list of the Martyrs, 1535–1681, see *Our Martyrs,* by C. A. Newdigate, S.J. (Catholic Truth Society.)

The Catholic Encyclopedia. (Universal Knowledge Foundation Inc.)

Herbert E. Hall, M.A., *Catholic and Roman,* ch. XIII, "The Severance of England from Rome." (Harding and More.)

The Elizabethan Persecution

Did its Victims suffer for the Old Faith of England or for Treason?

I

BEFORE attempting to give a full and reasoned reply to this question it will be well to make a brief survey of the conditions of the time, and the course of events that preluded the long conflict between Elizabeth's government and her Catholic subjects.

That conflict was an episode of the Reformation, and this great movement was itself part of a vast series of changes that affected the situation throughout western and northern Europe—the political and economic condition of many nations as well as their religious position.

Some years ago a Protestant student of history, the late Professor Seebohm, contributed to a series of textbooks for colleges and high schools a general sketch of the revolt against the Holy See that began in Germany in the sixteenth century. He frankly recognised that the movement was political and social as well as religious, and he accentuated this view by entitling his work, not "The Era of the Reformation," but "The Era of the Protestant Revolution." [1]

The title is an apt description of the period,

[1] *The Era of the Protestant Revolution*, by Frederic Seebohm. (Epochs of History series.) Longmans.

fitting the facts without prejudging them. For a "revolution" is a change in public affairs, often accompanied by more or less of strife and violence. The name holds good whether the change is to worse or to better conditions. "Reformation," on the other hand, implies a change for the better, from more or less defective or even evil conditions. As for the English Reformation under the Tudor dynasty, even non-Catholics are not absolutely unanimous in regarding it as a change for the better.

Popular tradition regards it simply as a religious movement, and a cursory survey of its history encourages this traditional idea. But a fuller knowledge of the period surely justifies a wider view of its character. For the religious changes of the time were part of a vast alteration in the social, political and economic conditions of England. This again was influenced by and co-ordinated with similar changes in other countries of Europe. It was essentially a wide sweeping break with the past—a revolution.

The French Revolution, at the close of the eighteenth century, was the beginning of a period of change from absolutism to democracy in western Europe. This earlier revolution of the sixteenth century marked the culmination of another movement in a contrary direction—the coming of monarchical absolutism.

A comparative weakness of the central governments was characteristic of the Middle Ages. Monarchy was long limited, not by constitutional

systems, but quite as effectually by the economic conditions and the social organisation of the time. Kings had neither standing armies, nor large personal possessions, nor the regular resources of the modern annual budget. Lands were usually held by right of the discharge of various services to the great landlords, and through them by a similar relation of these to the Crown. The accepted theory of government, embodied for instance in the coronation service, was that the King ruled by consent of his people, with mutual engagements of loyalty in return for the observance of a traditional code of justice. In several countries there were numbers of cities that had wide powers of local self-government. The civic trade guilds often formed a militia that enabled a municipality to defy a king. The main armed force of the country was made up of a levy of the great landowners and their sub-tenants and retainers. Royal power was thus tempered by the fact that a ruler could not long enforce an unpopular policy against the baronage and the cities. Long before any modern constitutions were drafted he had to look to the estates of his realm—peers and churchmen and commons—to provide for any exceptional financial need; he had to legislate with their explicit or tacit consent; and on a wide range of subjects the decision as to legalities lay not with the civil power but with courts that administered the common law of Christendom.

But by the close of the fifteenth century the old order was changing. The legists of the Re-

naissance had introduced a new theory of kingship —the exaltation of the civil power and the assertion of the omnipotence of the Crown and the State. No one asserted explicitly "the right divine to govern wrong," but the view was gaining ground among those who made themselves the satellites of kings, that the sovereign ruled by God's grace alone, without responsibility to any living man, and should govern according to his own enlightened wisdom, assisted by such counsellors as he might deign to call to his aid, or who had managed to make themselves agreeable and necessary to him.

Many causes conspired to make this the accepted theory of a new absolutism. By the middle of the sixteenth century—perhaps even earlier—it was in force all over western Europe. It used to be the fashion to describe the Reformation as the dawn in Europe of freedom and Luther as the herald of this liberation. It is indeed true that at the outset of the Peasant revolt in South Germany (1524) he had for awhile declared that it was the result of oppression and injustice of the princes and nobles. But he soon changed his attitude. In his pamphlet, "Against the Murderous Robber Hordes of the Peasants," he denounced in unmeasured language the disorders of the rebels, and called for ruthless vengeance upon them. "They had deserved death in this world and hell in the next. It was not only princes and magistrates who should make an end of them. Every honest man had the right to be judge and executioner of such scoundrels, and slay them as

one would kill a mad dog." Henceforth he was on the side of the princes,[1] and it was with the help of the rulers of Saxony, Hesse and Brandenburg, that he carried through his Reformation.

Princes who became the champions and protectors of the Reformation movement at once thereby strengthened their personal rule. By obtaining possession of Church lands and endowments, and control of what they did not actually seize, they not only added to their financial independence, but were also able to secure the support of devoted adherents and assistants in carrying through their policy. But what was still more important, they secured a plenitude of absolute dominion. For supreme rulers over Church as well as State there was no fear of appeals to any arbiter outside their own territories, and they could claim to tell their subjects not only what they must do but also what they must think and believe.

[1] There was a wild extravagance in his advocacy of despotism and "strong government." "A donkey driver," he wrote, "has to be always beating his donkey, or the beast will not obey him. This is how the ruler should treat the people. Princes must drive, beat, throttle, hang, burn, behead and torture them, so as to make themselves dreaded and keep the people in awe of them" (in 1526—*Works*, xv. 276. See Janssen, *Hist. of German People*, iv. 361). In one of his sermons of 1527 he said it might be well if slavery were introduced, as it was among the Jews under the Old Law. "There was good Scripture warrant for it. Abraham had slaves. It was the lack of strong government that created discontent among the rabble and the workers" (in a sermon of 1527, *Works*, xxxiii, 389–90. Janssen, *Hist. of German People*, iv. 361–2). Talk like this could be possible only in an atmosphere of despotism. It is not a mere coincidence that while Luther was thus advocating absolutism, his contemporary, Machiavelli, on the other side of the Alps, was writing his handbook for despots.

II

IN England in 1485, when Luther was a two-year-old child in a miner's cottage at Eisleben, Bosworth Field was fought and won. It ended the long Wars of the Roses, that wasted and broke the power of the English baronage. The victor of Bosworth, Henry VII, laid the foundations of the Tudor autocracy.

His son, Henry VIII, extended the royal authority to include the ecclesiastical as well as the civil order. At the outset he had opposed Luther and defended the authority of the Holy See. He broke with the Papacy after failing to secure the annulment of his marriage, declared himself Supreme Head of the Church in England, and reduced it to a mere department of the State directed by his "Vicar-General," Thomas Cromwell. A servile Parliament decreed that the denial of the King's Supreme Headship was an act of High Treason.

Some twenty-five years later came the beginning of a new series of enactments under Elizabeth that gave a still wider extension to the law of treason. It is with the victims of this latter code that we have to deal, but before considering their case something must be said of certain events in the intervening period.

When a government declares the Head of the State to be also Head of the Church throughout its territories, and that Church is treated as a

separate unit from the rest of Christendom, after having been for centuries united with it, that separated Church is taken to represent the nation in its religious activities. These are subject to the control and regulation of the Sovereign, his Ministers and Legislature, without any possible appeal except to the King's civil courts. Under these conditions it is possible for the supporters of the new system to declare that any disloyalty to this State-controlled national Church, and any denial of the new Supreme Headship is treason and rebellion so far as regards the King, and heresy with respect to the new Church doctrine of its separate status under royal control.

Several of the victims of what a non-Catholic historian has called "the English reign of terror" under Henry VIII are honoured by Catholics as martyrs, in virtue of Leo XIII's decree giving them the title of "Beati." All but one of these were executed under the new law of treason. The exceptional case is that of the Franciscan, B. John Forest (1538). He had incurred the special hatred of the King by zealous opposition to the divorce. This was perhaps why he was indicted for "heresy," sent to the stake, and slowly burned to death with ingenious and deliberate cruelty. As for the charge of treason on which the others were condemned, it was, on the face of it, a technical, law-made form of treason, unknown to the old law of England. Who could doubt the absolute loyalty of men like Fisher and More? What treason in any sound sense of the word could be

alleged against men like the heroic Carthusians? "I profess," said Prior Houghton of the London Charterhouse, "that it is not out of obstinate malice or a mind of rebellion that I disobey the King, but only for fear of God, that I offend not the Supreme Majesty." It is not a Catholic but a Protestant historian of mark who declares that Houghton and his companions were truly martyrs: "They had sown no seeds of rebellion, and they died because a tyrannical king insisted on ruling over consciences as well as bodily acts."[1]

But it has been a subterfuge of the persecutors of all times to represent their oppressive measures as directed not against religious beliefs, but against disloyal and treasonable conduct. Those who denounced the Saviour to Pilate knew well that the Roman official would pay scant attention to accusations that He was a subverter of their own Jewish Law, and was "guilty of death" by verdict of their secret tribunal of the night before. So they alleged the false charge of sedition against the Roman power, and told the timid, time-serving Procurator—"If thou release this Man thou art not Cæsar's friend." The Tudor despot invented the similar procedure of cloaking his sentences of death at the block and the gallows under the newfangled charge of treason to the State and the Crown. His policy prepared the way for similar methods under Elizabeth.

There was another and a very large class of Henry's victims whose case stands on a somewhat

[1] S. R. Gardiner, *Student's History of England*, ii. 394.

different footing, and who could be accused of rebellion against the State, even though their motive was the defence of religion. The King had followed up his assertion of the Royal Supremacy by a further series of acts that made a wide sweeping change in the conditions of English life. The suppression of the abbeys and other religious houses, which began in 1536 under the direction of his Vicar-General, Cromwell, was a wholesale robbery of the people. It did not merely turn the monk out of cell and cloister. It turned the scholar out of his school, the poor wayfarer from his hospice, the aged from their homes of rest, the sick out of their hospital beds. It was rendered possible by sharing the plunder freely with the new nobility and other hangers-on of the Crown. It was the signal for the first active resistance to the new measures of the King.

The North rose in arms, and the "Pilgrims of Grace" began their march southwards. They protested that they had no ill-will to the King, but only to evil advisers who had misled him. They wore the badge of the Five Wounds of Christ, and displayed the same device upon their banners. Their watchword was, "For God, Our Lady, and the Catholic Faith!" It may well be that other minor motives animated some of their adherents and leaders. Percy of Northumberland and the border barons had no goodwill for the new men who had gained control of affairs as Henry's satellites. But the religious motive was dominant. The King gained time to muster an

opposing force by negotiating, and made promises that were quickly violated as soon as the northern men, trusting to his royal word, began to disband their forces. Then came fierce vengeance on the insurgents. Noble, squire and peasant felt its weight. Northumberland was sent to the block. Robert Aske, who had been the envoy of the "Pilgrims" to London, was sent to the gallows and the quartering knife. Hundreds shared his fate. Of most of their names we have no record, but even of those that are known no names appear on the roll of those whom Catholics honour as "the English Martyrs." The cases of Percy and Aske are not the same as those of More, Fisher and Houghton.

Yet we may surely hold their memory in honour as that of men who—

> Rose in dark and evil days
> To right their native land;

who like the Macchabees felt that it was better to die in battle than live to see the desolation of all they held most sacred; and to whom belongs the glory given to brave defeat no less than to success.

There was yet a third class of Henry's victims. It was not only Catholics whom he sent to death. He had broken with the Holy See, defied the very authority he had eloquently defended in his treatise against Luther, and erected his new national and separated Church of England under his own Supreme Headship. He defined its necessary articles in royal proclamations, and still posed as

"Defender of the Faith." He insisted that he was still a true Catholic, treating the Supremacy of the Pope as no essential matter of Catholicity. Though the misleading term was not invented till centuries later in our own time, Henry Tudor was the first of the "Anglo-Catholics." He showed his zeal for his new system by sometimes sending on the same day one victim to die at Tyburn gallows for refusing to acknowledge the Royal Supremacy, and another to die as a heretic at the stake in Smithfield for upholding the teachings of Luther or Zwingli.

III

THE first step in the break with the Catholic past—separation from the Holy See—had been thus taken by Henry. In the short reign of his son and successor, Edward VI, there was a further development of the Reformation in England. It was no longer a question merely of throwing off the authority of the Holy See, suppressing the religious orders, forbidding a number of traditional Catholic practices, and erecting a national Church that was to be thoroughly subservient to the Crown. Step after step was taken to Protestantise the national Church and bring it into line with the Continental Reformation. Nominally and officially these were the acts of the new king, the son of Jane Seymour. When he came to the throne in January, 1547, he was a sickly boy

only ten years of age, and doomed to an early death. He was only six years king when he died of tuberculosis and quack doctoring. It can hardly be said that he ever reigned, for he was throughout in the hands of successive cliques of the new nobles—men who had gained wealth, rank and power by the plunder of the Church. Cranmer was their chief adviser in matters of religion. His policy was to bring England more and more into line with the Continental Reformation.

He had, in Henry's days, sent wretched Zwinglians to the fires of Smithfield for denying the Catholic doctrine of the Holy Eucharist. He now professed to have discovered that this doctrine was not in accord with Scripture and the teaching of the Early Church. But he drew the line at freedom of opinion as to other doctrines, and condemned to the stake as heretics the Unitarians, Joan Bocher and Van Parris.

He was soon denouncing the Catholic doctrine of the Holy Mass and the sacrificing priesthood of the Church as "the greatest blasphemy that can be against Christ,"[1] and wrote that :

"As for the saying or singing of the Mass by a priest, as it was, in times past used, it is neither a sacrifice propitiatory, nor yet a sacrifice of laud and prayer, nor in any way allowable before God, but abominable and detestable."[2]

Steps were accordingly taken to substitute for the Mass a new service in line with that intro-

[1] Cranmer's *Of the Oblation and Sacrifice of Christ*, Bk. V, chap. i.
[2] *Ibid.*, chap. xv.

duced by the Reformers on the Continent. The Pope's authority had been proscribed by Henry. This was the *first stage* in preparing the new religious system presently to be established by Elizabeth. The *second stage* was the elimination of the Mass, and the Catholic doctrine of the priesthood and the Holy Eucharist. A new service was embodied in the Book of Common Prayer (known as the First Prayer Book of Edward VI) which was directed to be used in parish churches on and after Whit-Sunday, June 1549. It represented the first stage in the downgrade from Catholic doctrine. Cranmer and his colleagues took the Catholic Missal, and left only some fragments of its Canon, striking out all that was vital to it.[1] A revision of this mutilated service followed, further de-Catholicising it, and this revised version appeared as the "Service of Communion or the Lord's Supper" in the Second Prayer Book, which was ordered to come into general use on 1 November, 1552.

[1] Attempts are still made by Anglo-Catholic writers to represent the Communion Service of the Prayer Book of 1549 as equivalent to the Mass in English. In Cardinal Gasquet's little treatise on "England's Breach with Rome" (London, 1920), the point is effectively dealt with. On pp. 30, 31, he prints in parallel columns a comparison between the Canon of the Missal and the Communion Service of the First Prayer Book (adding notes indicating the further omissions and changes of the Prayer Book of 1552). "To anyone," he says, "who will put the one by the side of the other, and note the changes and omissions, it must appear as clear as the noonday sun that there is a difference, essential and substantial, depending on doctrinal teaching, on which there should be no misunderstanding. I am not here concerned to determine whether these changes were good or bad. What I wish to make clear is that these changes were made, and that they are significant of a change in doctrine."

To complete the change to the new form of religion there was the introduction of the new Ordinal, as a substitute for the Catholic rites of ordaining priests and consecrating bishops (1550), the publication of the First Book of Homilies as a guide to preachers, and the drawing up of the 42 Articles of Religion (1553).[1] Of all these Cranmer was the chief author. Incidental steps were the substitution of tables for the old altars, the destruction of religious images and other Catholic emblems in the churches, the pulling down of rood screens—all incidents in the change of the old churches into Protestant meeting-houses. The marriage of the clergy was authorised, and to provide efficient preachers of the new religion a number of thoroughly reliable Protestant divines were imported from Holland, Germany and Geneva.[2]

The death of the boy king (6 July, 1553) was followed by a temporary setback in the progress

[1] Later reduced to Thirty-nine.

[2] These changes produced outbreaks of rebellion in many parts of England. As Dr. Gardiner puts it, "The Reformers had gone much further than the mass of the people were prepared to follow." In the West Country—Devon and Cornwall—there was the most serious of these risings, and it was suppressed by using German mercenary troops to support the new religion with "the holy text of pike and gun." Burnet, the classic historian of the Reformation, in explaining why these foreign hirelings were brought in, makes a frank admission that most of the English people still clung to the faith of their fathers (*History of the Reformation*, ii. 329):

'The bulk of the people of England" (he says) "was still possessed with the old superstition to such a degree that it was visible they could not be depended on in any matter that related to the alterations that were made, or were designed to be made; whereas the Germans were full of zeal on the other side."

of Cranmer's policy. An attempt to alter the succession and secure a Protestant Queen in the person of Lady Jane Grey failed, and Edward's sister Mary, the daughter of Catherine of Aragon, was proclaimed amid the acclamations of her people, and a Catholic reaction began. At first it was directed with wise moderation, but later was backed by lamentably ill-advised rigours. At the outset, Parliament, uniformly subservient to Tudor sovereigns, reversed the anti-Catholic legislation of Henry and Edward. But the restoration of the Mass was accompanied by no penalties for absence from it, and those who had shared in the seizure of church property were reassured as to their undisturbed possession of it by a Royal Declaration and a Papal dispensation. It would have been well if this spirit of conciliation had endured longer.

Mary's reign lasted for a little less than five years. Catholicity during these years resumed legal possession in the kingdom, but it bore the scars of recent conflict, and its position was weakened by doubtful or hostile elements among the people and the new nobles. The majority of Englishmen were well content with its restoration. There was a minority, not a large one, which had clung to various forms of the new Protestantism despite the rigours of the Queen's proceedings against heresy. There was a still larger body, many of them directly or indirectly enriched by the plunder of the Church, who, though outwardly conforming to its legal restoration, were ready to welcome a

renewal of the "Reformation" policy, and there was a mass of the careless and indifferent who had conformed to every change imposed by three sovereigns, Henry, Edward and Mary. It largely depended on Mary's successor whether the link she had restored with the nine centuries of the Catholic past would be perpetuated and strengthened, or whether the disruptive policy of Henry and Edward would be resumed.

As she lay in the shadow of death, Mary had entreated her sister, the Princess Elizabeth, to be true to the Catholic Faith, and the Princess appears to have spoken in such a way as to convince many that this was her sincere purpose. Queen Mary died in the early hours of 17 November, 1558. That same day Nicholas Heath, Archbishop of York and Chancellor of the Kingdom, proclaimed Elizabeth as Queen. Her first official act was a proclamation that seemed to show she meant to maintain existing religious conditions and reign as a Catholic sovereign.[1]

She was crowned at Westminster Abbey two months later, on Sunday, 15 January, 1559. There had already been incidents that suggested that she and her advisers were contemplating a new settlement of religious affairs. Bishop after bishop refused to officiate at the coronation, but at last

[1] It ran thus: "The Queen straitly charges and commands all manner our subjects of every degree not to attempt upon any pretence the breach, alteration or change of any order or usage presently established within this our realm upon pain of our indignation and the pains and penalties which thereto may in any wise belong."—Strype, *Annals*, I, ii. 389; Pollen, *English Catholics in Reign of Elizabeth*, p. 68.

Bishop Oglethorpe, of Carlisle, consented to crown her. The rite was performed with the Catholic ritual, and Elizabeth took the coronation oaths by which she pledged herself to confirm the laws, customs and privileges granted to the clergy by her predecessor, St. Edward the Confessor; to keep peace, godly and goodly agreement with Holy Church, the clergy and the people; and to be the protector and defender of the bishops and the churches under their government.[1] Before the altar where Mass was said she was proclaimed as "Defender of the true ancient Catholic Faith." But when she thus solemnly pledged herself to reign as a Catholic Queen, she had been already discussing with her Secretary of State, Sir William Cecil, and a group of men of the same mind, the changes which were to be carried out by her first Parliament, which met on 25 January, just ten days after the coronation.

IV

TO talk of Parliament meeting sets ninety-nine out of every hundred people of to-day thinking of our existing Parliament, with the row of Ministers on the Speaker's right, and the row of recognised opposition leaders on the front bench to his left—a Parliament that governs through the Ministry, with the Lords acting as a moderately effective brake on some of the pro-

[1] Cf. the passages of the Ritual quoted by Pollen, pp. 24, 25.

ceedings, and the King acting as a kind of impartial President, invariably giving his Royal Assent to what Parliament finally decides.

But a Tudor Parliament did not govern the country. Elizabeth was ruler in absolute fact as well as in name. Her Council, selected by herself out of the group of advisers she favoured and trusted, was a far more important body than the House of Commons. No "opposition" in the modern sense yet existed, and opposition to the proposals of the Sovereign and Council savoured of disloyalty. (When under her second successor, a Stuart king, the opposition became an effective reality the situation developed into civil war between King and Commons.) There was no Ministry in the modern sense. The Secretaries of State were not members of a Cabinet, but servants of the Crown. The Commons, elected by small constituencies under a system that secured the return of men likely to do what they were told, were always ready to give the required sanction to the Bills presented by the Secretary of State and the Council. At most they suggested revision in points of detail.

The Queen had, in these first weeks of her reign, reorganised the Council, filling it with men who could be relied upon to support the coming changes, so as to clear the way for the plans suggested (chiefly by her Secretary of State, Sir William Cecil) for reversing the legislation of Mary in Church affairs, and re-establishing the system developed by the legislation of Henry VIII and Edward

VI, since the breach with the Holy See began—legislation repealed by Mary's temporary reconciliation of England with Rome less than five years before this first Parliament of Elizabeth met.

The chief business to be done was therefore the repeal of the Marian laws, and the re-enactment, with unimportant minor modifications, of various statutes of Henry and Edward. These were to be codified in the two Acts of the Royal Supremacy and of Uniformity, which were to create the new Protestant Church of England "as by law established."

There were to be some other less important Acts dealing with matters of detail. One of these brought some property back to the Crown by suppressing the few religious houses refounded by Mary. This gave a new sense of secure possession to many members of both houses of Parliament, enriched by the earlier confiscations of Church property. But the Acts of Supremacy and Uniformity were the chief matters.

The Act of the Royal Supremacy was officially described as—

> An Act restoring to the Crown the auncyent Jurisdiction over the State Ecclesiasticall and Spirituall and abolyshing all Power repugnant to the same.

It declared the Queen to be "Supreme Governor" of the Church of England in spiritual as well as temporal matters; it imposed an oath, acknowledging this jurisdiction, to be taken by all persons holding any civil or ecclesiastical office, and pro-

vided for the appointment of commissioners to administer this test oath. The penalty of refusal was to be deprivation of office, fine and imprisonment. The terms of the oath were as follows[1]:

I—A.B.—do utterly testify and declare in my conscience that the Queen's Highness is the only Supreme Governor of this Realm and of all other Her Highness's Dominions and Countries as well in all Spiritual and Ecclesiastical Things or Causes as Temporal, and that no foreign Prince, Person, Prelate, State or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority Ecclesiastical or Spiritual within this Realm, and therefore I do utterly renounce and forsake all foreign Jurisdictions, Powers, Superiorities and Authorities, and do promise that from henceforth I shall bear Faith and True Allegiance to the Queen's Highness, her Heirs and lawful successors and to my Power shall uphold and defend all Jurisdictions, Pre-eminences, Privileges and Authorities granted or belonging to the Queen's Highness, her Heirs and Successors, or united or annexed to the Imperial Crown of this Realm. So help me God and by the Contents of this Book.

By a clause of the Act it was set forth that whoever "by writing, printing, teaching, preaching, express words, deed or act," should maintain the "power or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state or potentate," should be liable to forfeiture of goods and imprisonment, and for a third repetition of the offence should be judged guilty of the crime of High Treason and put to death.

[1] From the text in the *Statutes at Large*—modernising the old spellings [of which there is a sample in the above quotation of the title].

The only serious attempt at opposition to the Bill was made in the House of Lords. It was led by Heath, Archbishop of York, who was chief of the hierarchy, the See of Canterbury being vacant by the death of Pole. As usual, Convocation—the assembly of the bishops and clergy—had met on the same day as Parliament. Heath presented to the House of Lords the solemn declaration, unanimously adopted by Convocation, maintaining the doctrines of the Catholic Church and the Supremacy of the Holy See in all spiritual matters. But the Lords passed the Bill, though only by a small majority.

Next came the enactment of the "Act for the Uniformity of Common Prayer and Service in the Church and Administration of the Sacraments"—still printed as a preface to the *Book of Common Prayer* (1662). It provided that on and after the next Midsummer Day (then the feast of the Nativity of St. John Baptist, 24 June) in all churches and chapels the Mass should cease and the new service of the "Second Book of Common Prayer of Edward VI" should replace it. Most of the Act is devoted to enumerating the pains and penalties by which this change was to be enforced. Clergymen who refused to obey were subject to fines, imprisonment and deprivation of office. Imprisonment for life was to be the penalty of speaking, writing, or in any way opposing the change. The laity were to assist at the new service under penalty of fine or imprisonment. In the Upper House the Bill passed by a majority of

only three votes, and would have been rejected but for the fact that two bishops were already in prison, two ill, and several Sees vacant.[1]

A new situation was thus created unlike anything yet known to England. We have seen how the way was prepared for it by the proceedings under Henry and Edward. There had been a temporary check under Mary, but now in a few weeks these first two Acts of Elizabeth had gathered all the vital points of the innovating laws of Henry and Edward, and with two astutely chosen repudiations of unity with the Holy See and of the central act of worship of the old Faith, had crystallised them into a penal code that affected all England—every diocese, parish and home in the realm. A new official religious system, of which even men of middle age could remember the beginnings, was substituted for what had been the religion of England since early Saxon times. The Crown, now supreme over men's souls and consciences by Act of Parliament, enforced the change, which was more or less repugnant to at least two-thirds of its subjects. Nonconformity was now disloyalty. It is true that the test oath of the new allegiance, in spiritual as well as temporal matters, was as yet imposed only on those who held offices of more or less importance in the civil and eccle-

[1] Froude, though the apologist of the Tudor Reformation, remarks that—"We are told that the Church of England reformed herself, meaning by the Church not the laity who alone did the work, but the bishops and clergy, who never consented as a body to any measure of Reformation except under the judicious compulsion of Henry VIII" (*History of England*, vi. 163).

siastical orders. But indirectly the whole nation was affected. For the sequel to the Act of the Royal Supremacy, making the Crown supreme in matters of religion, was the Act of Uniformity, using this new extension of the royal authority to impose on every parish and household in all England vital changes in religious worship and practice.

V

THE royal commissioners at once proceeded to enforce the new laws. With one exception the bishops refused to take the test oath, and protested against the abolition of the Mass and the substitution of the services of the Prayer Book. Archbishop Heath and his colleagues were sent to prison, and Cecil and the Queen established a new hierarchy[1] after declaring, by royal authority,

[1] Froude makes these remarks on the establishment of the new State hierarchy: "A Catholic Bishop holds his office by a tenure untouched by the accidents of time. Dynasties may change—nations may lose their liberties—the firm fabric of society may itself be swept away in the torrent of revolution—the Catholic Bishop remains at his post; when he dies another takes his place; and when the waters sink again into their beds, the quiet figure is seen standing where it stood before—the person perhaps changed—the thing itself rooted like a rock on the adamantine basements of the world. The Anglican hierarchy, far unlike its rival, was a child of convulsion and compromise: it drew its life from Elizabeth's throne, and had Elizabeth fallen, it would have crumbled into sand. The Church of England was as a limb lopped off from the parent trunk; it was cut away from the stream by which its vascular system had been fed; and the life of it, as an independent and corporate existence, was gone for ever. But it had been taken up and grafted upon the State. If not what it had been, it could retain the form of what it had been—the form which made it respectable, without the power that made it dangerous. The image in its outward aspect could be

all Sees, except that of Kitchin of Llandaff, vacant.

Next came the parish clergy. How far they accepted the new order of things is open to discussion. But it is clear that a very large number, perhaps the greatest number, yielded to the requirements of the law. Some tried to evade them. Others openly refused either to take the oath or adopt the new Prayer Book. These were deprived, but many of them continued to say Mass in secret in the houses of the gentry. In the North the resistance was frequent, and many priests continued to say Mass in their churches long after St. John's Day of 1559. As for lay officials, there was considerable opposition to the oath in the two universities and in the Inns of Court in London, where it was reported that most of the lawyers were "Papists."[1]

The laity in general were chiefly affected by the orders to attend the new services. Many, especially in the North, stood firm for the Mass. Others again, while absenting themselves from the Communion Service when it was held thrice yearly, tried to save both their purses and their consciences by occasional attendance at the morning or evening Sunday service, arguing that Mattins and Vespers in the new Prayer Book were practically the similar offices of the Breviary said in English instead of Latin. Others let it be known they meant their

made to correspond with the parent tree; and to sustain the illusion it was necessary to create bishops who could appear to have inherited their powers by the approved method, as successors of the Apostles" (*History of England*, ed. 1870, vi. 300, 301).

[1] Cf. Birt, *Elizabethan Religious Settlement*, pp. 446 *et seq.*

attendance to be limited to mere bodily presence without taking any part in the service. Still bolder spirits, while submitting to be present in the parish church, openly showed their dissent and dislike of what was done there. It was told how one used to sit so far off that he could hear nothing; another continually walked up and down at the farthest end of the church; and of a squire of the Welsh border that when he came to church he read his own prayers so loudly from a Popish book that he troubled minister and people. The reports of the bishops told of recusants in every diocese.[1]

Numbers of the people had lived long enough to see several successive changes in the officially recognised religion of the country, and they might well hope that they would live to see another change back to the old religion. There was talk of projects for Elizabeth's marriage to a Catholic prince; of mediation by foreign sovereigns to obtain such toleration for the Catholics as had been given to the Huguenots in France by a Catholic king; and the Holy See was endeavouring to secure peace for the Catholics of England. The Pope had recognised Elizabeth's accession, wished to maintain diplomatic relations with her, and later even invited her to send her envoys to the Council of Trent.

During the first ten or eleven years of her reign there was still hope that in one way or another conditions might be improved. But even in this

[1] Cf. summaries of these reports in Birt, *Elizabethan Settlement*, viii–x.

FORDHAM UNIVERSITY LIBRARY

first decade of the reign, while the Catholics were still looking for better times and offering only a passive resistance to the new claims of the Crown and the new order in religion, they were enduring systematic persecution. It was a prelude to the later period in which, under still more stringent laws against the new kind of "treason," hundreds were sent to the prison and the scaffold. Meanwhile legalised coercion was exerted by the new Court of High Commission entrusted with the execution of the new laws; by travelling Commissioners; by magistrates who had passed the test of the oath of Royal supremacy; by the new bench of Protestant bishops, to whom the law gave the right of sitting with the judges at Assizes and with the magistrates at Sessions.

In 1563 Parliament passed a further Act, supplementing the legislation of 1559 by imposing the test oath with its penalties upon "all schoolmasters and public and private teachers of children, and all manner of persons that have taken or hereafter shall take any degree of learning in the Common Laws of this realm." And the persecutors went beyond the law. So far no Statute had made it a crime to hear Mass privately, but there were prosecutions, fines and imprisonments for so doing—apparently on the plea that this was complicity in resistance to the Act of Uniformity.

The correspondence of the bishops gives ample evidence to show how widespread was the passive resistance to the new laws in most of the dioceses. It also shows how keen those prelates were in the

work of persecution. Amongst their injunctions we find orders for the throwing down of the old altars, the disposal of the altar stones "for base and common uses," the stripping of every sign and emblem of the old Faith from the parish churches; the rooting out of "Popish practices"; and the hunting down and imprisonment of "Massing priests."

Grindal, Bishop of London (and afterwards in succession Archbishop of York and of Canterbury), was specially keen in these activities. In 1561 we find him examining a priest, John Coxe, "for Mass matters," obtaining his admission that he had said Mass, and writing to Cecil that "surely for this magic and conjuration your Honours of the Council must appoint some extraordinary punishment for example."[1] Next year—in the September of 1562—Grindal, as Bishop of London, is associated with Cox, Bishop of Lincoln, in the examination of a number of "Popish prisoners." One of them is a priest named Harvard. Grindal and Cox made a joint report to the Council suggesting that if evidence could be secured from the priest a good many people might be fined for recusancy and hearing Mass. But Harvard would not name anyone, so the bishops add a proposal that torture might be usefully employed to make him speak more freely. "Some think," ran the Bishops' report, "that if this priest, Harvard, might be put to some kind of torment, and so driven to confess what he knoweth, he might gain the Queen's

[1] P.R.O. *Dom. Eliz.* xvi, No. 49; Birt, *Elizabethan Settlement*, p. 331.

Majesty a good mass of money by the Masses that he hath said ; but this we refer to your Lordships' wisdom."[1] The proposal makes one suspect that torture was already being employed to extort information. Before long it was freely used, though it was a violation of the recognised legal tradition and law of England.[2]

Deprivation of office, fines and imprisonment were the penalties in use at the outset. One of the bishops gave the opinion that the Northern recusants felt repeated fines a greater infliction than

[1] *Hatfield Papers*, i. No. 865, 13 September, 1562.

[2] Sir Edward Coke, who held high office under Elizabeth, and was Chief Justice under her successor, wrote in 1628, in the Third Part of his *Institutes*: "There is no one opinion in our books or judicial record (that we have seen or remember) for the maintenance of tortures or torments, so as there is no law to warrant tortures in this land, nor can they be justified by any prescription, being so lately brought in." This recent introduction of torture had taken place under Elizabeth. It is curious to find one of her Secretaries of State, Sir Thomas Smith, in his book *On the English State*, declaring that: "Torment or question, which is used by order of the civil law and custom of other countries to put a malefactor to excessive pain to make him confess of himself or of his fellows or accomplices, is not used in England. It is taken for servile. The nature of our nation is free, stout, haughty, prodigal of life and blood ; but contumely, beatings, servitude and servile, torment and punishment it will not abide." But he himself had sent "Popish recusants" to the rack, and in the very year, 1583, when this statement was published, there was also printed one of the propagandist pamphlets issued by the Government, entitled: "A Declaration of the favourable dealing of Her Majesty's Commissioners appointed for the Examination of certain Traitors, and of Tortures unjustly reported to be done upon them for matters of religion." It was written by Lord Burghley (Cecil). He does not deny that torture had been used, but argues that it had been used moderately and "favourably," pointing out that though one of the prisoners had been racked more than once he was always able to walk. (Cardinal Allen replied to this pamphlet with his *Defence of the English Catholics*, 1584—of which a reprint was published by Herder, London, 1914.)

going to prison, for while there they saved a good deal of their ordinary expenses. The Government had not yet incurred the odium of executions, but the system on which they acted was steadily impoverishing the Catholics. At the same time these were debarred from educating their children in the old Faith of England ; they could not make their voices heard in Parliament ; they were excluded from every civil office. The priests who ministered to them in secret were dying out —some of them dying in prison—and there was no system for replacing them by new ordinations. This meant that Catholicity would be starved out and stamped out in England in the next half century, and then new generations would grow up that had never been taught the old religion, and were without priest and altar, Mass and Sacraments. It was a well-devised scheme—but it failed.

Now it must be evident that though Catholics were denounced as disloyal and traitorous defiers of the authority of the Crown and of the laws enacted by Parliament and enforced by commissioners, judges, magistrates and the new State bishops, this was essentially a persecution for religion and matters of conscience. The fiercer persecution of later years in the Queen's reign developed out of it, and was intended to counter and bring to naught the efforts presently made to provide for the Catholics in England the ministrations of the priesthood, Mass and the Sacraments.

VI

THAT these efforts were organised was mainly due to Dr. William Allen, a Lancashire man, M.A. of Oxford and fellow of Oriel. Like many others he had taken refuge on the Continent, leaving England for Louvain in 1565. A few years before Philip of Spain had founded a university at Douai. Its first Chancellor was another of the English Catholic refugees, also from Oxford.[1] Allen having received Holy Orders at Malines, founded at Douai, in 1568, in a hired house, and on very modest lines, the college afterwards famous as the English Seminary of Douai and Rheims. It became a training centre for priests for England.

It was in this same year that an event occurred which somewhat altered the situation in England. All the projects for the Queen's marriage had so far failed, and she had more than once declared that she meant to remain single to the end of her life. Her cousin, Mary, Queen of Scots, was her heir presumptive[2] in right of descent from the first Tudor king: Elizabeth had intrigued against her cousin, and supported her enemies, the Calvinist party of Scots Reformers. In the spring of 1568 Mary escaped from the prison in which they held her, rallied her partisans, only to be defeated at Langside, and then rode hard for the

[1] Dr. Richard Smith, formerly a fellow of Merton and Regius Professor of Divinity at Oxford.

[2] Eventually it was Mary's son, James VI of Scotland, who succeeded Elizabeth.

Solway, crossed it into England, and threw herself on its Queen's protection, only to become her prisoner and finally her victim.

Mary's presence in England introduced a new cross-current into its politics. To unravel the tangled story of the time would be a long business. There is a whole library of literature on the subject written from various standpoints. Here let us note that the captive Queen's position made her for awhile the rallying-point of those Catholics in England (as the event proved a minority) who were beginning to think of substituting active measures for the passive resistance and patient endurance of the preceding years since 1559.

Of course the masses of the people had little part in any political intrigues or plans of action. What was happening in this way, or might happen, in England still depended only on the action of small groups of men of rank, property or local influence. The age of political organisation, popular government, newspapers and public meetings was far off in the future.

Amongst other schemes there was a plan which included some hopes of Spanish or French help to drive from power the new men who were the Queen's advisers, and obtain from her a recognition of the Queen of Scots as her heir. Mary was to marry the Duke of Norfolk. Like not a few of those who had conformed to the new state of things, he was quite willing to change his religion if there was a decided turn of the political wheel of fortune. The movement was to begin in the

North, where the Catholics were strongest and the influence of the old nobles was hardly yet broken. Thomas Percy (the son of the Earl of Northumberland who had been executed by Henry VIII after the Pilgrimage of Grace) had been restored by Mary Tudor to his rank and estates, and he and Neville, Earl of Westmorland, were to be the leaders. The first stroke was to be the deliverance of Mary of Scotland from her prison. Once the North rose it was hoped that the flame of insurrection would spread through England, and Alva would land a Spanish contingent from Flanders in the eastern counties.

Let us grant at once that, whatever motives the northern earls could plead for their action, they were engaging in a treasonable conspiracy—something absolutely different from the " treason " of denying the spiritual authority of the Crown, or refusing to attend the new service and persisting in hearing Mass. Legally, to assemble in arms in order to compel a change of advisers or policy by the Sovereign, was (and still is) " High Treason." So was the act of seeking foreign aid for such a purpose. But it must be remembered that it was the tradition of centuries in England (and indeed all over Europe) that the final resort against royal misgovernment was for the nobles and the great landholders to act as a counterpoise to the royal power, and either depose the King or force him to change his counsellors and policy. It was thus that in England the barons had compelled King John to sign the Great Charter, and Simon

de Montfort had forced Henry III to dismiss his parasites and convene a Parliament. Success in such an armed protest meant fame as a patriot and power in the state. Failure meant indictment for treason and death at the headsman's block. Richard II had been deposed by force of arms, and to a successful descent upon England, backed by a movement of the feudal chiefs, the House of Tudor itself owed the Crown. The northern earls had thus abundant precedents for the dangerous course they were contemplating. They would argue that the Queen had broken her coronation oaths, had become the persecutor of the Church she had vowed to protect, and had placed her policy in the hands of a group of upstart nobles rich in the plunder of that Church.

A little more than a century later there was a successful revolution in England. Whatever be the rights or wrongs of the claim made by James II to dispense with the enforcement of the penal laws, and whether there was wisdom or folly in his general policy, it is obvious that the Churchmen and Dissenters of 1688, who invited a foreign Prince and a foreign army to invade England, rallied to the standard of the Dutch Stadholder, and deposed the Stuart king and proclaimed William III as his successor, had no grievances that could compare with those that could be alleged by the northern earls and their Catholic brethren in 1569. But most of our historians count the successful rebels of 1688 as patriots, and the revolution they effected with the aid of

foreign arms as a most notable forward step in the progress of constitutional freedom in Britain.

The "glorious Revolution of 1688" was a success: the "treasonable insurrection" of 1569 ended in disastrous failure for all concerned in it. Cecil became aware, though incompletely, of what was being devised in London and in the North. Norfolk was sent to the Tower. Northumberland and Westmorland were summoned to come at once to court. They realised that this would be only a first stage in a journey to the Tower and probably to the scaffold. Though their plans were not yet complete, they called the men of the North to arms, and old feudal tradition secured a ready response. The attempt to rescue the Queen of Scots was frustrated by her sudden transfer to another place of captivity. There was a brief flash of success when Durham was seized and Mass was said again in its cathedral. The movement had mixed motives. It was in part a stroke for the old rights of the northern lords against the new-made nobility; for Northumberland it was a desperate escape from imminent peril; but for most of the rebels it was a fight for the old Faith against the new-made official religion. So the banner of the Pilgrimage of Grace was again displayed, and the leaders declared that they had no quarrel with the Queen, but she must change her counsellors and policy, and the Catholic Faith and the Mass must be restored.

The leaders of the rising pushed their advance very slowly, though there was as yet no resistance

to them, and they wasted time and labour on a useless minor siege. This gave time for the royal forces to muster, composed in part of Catholic yeomen and townsfolk who followed the call of their local barons and squires. There was no rising elsewhere in support of the movement, no sign of foreign help.[1] Disappointed in their sanguine expectations, and with superior forces barring their way and closing in around them, the earls began to retreat, disbanding their levies as they went, and at last rode across the Cheviots with a handful of their immediate retainers and found refuge among the Scottish Borderers. The Queen took merciless vengeance on the disbanded insurgents. She herself wrote to her lieutenants to hasten the executions. There was hardly a village in the northern counties without its improvised gallows and its summarily executed rebels. We know the names of some of these victims of martial law. But they are not reckoned among the martyrs, though for most of them it was a fight for the Faith.

Three years later, Percy, Earl of Northumberland, last of the old line, was sold to the English by the Scots Reformers, tried at York for treason and sent to the block. In the list of the English Martyrs, beatified by Leo XIII, his name appears as Blessed Thomas Percy. This is sufficiently justified by the statement that life and full pardon were offered to him if he would renounce his

[1] Alva had no intention of acting, and afterwards described the rising as ill-advised and doomed to failure.

Faith, conform to the new religion, and take the oath of allegiance acknowledging the royal supremacy. It was probably on account of this offer that on the scaffold at York he made this solemn profession of Faith :

> Know all men that from my earliest years I have held the Faith of that Church which throughout the whole world is knit and bound together ; and that in this same Faith I am about to end this unhappy life. But as for this new Church of England, I do not acknowledge it.[1]

The Rising of the North was the first and last occasion on which any of the Catholics in England took up arms against the Queen, and even on this one occasion few of them had been involved in the movement.

The result of the Rising was only to make the position of Catholics worse and strengthen the hands of the government ; and their position became still more difficult when, in February 1570, Pius V published the Bull of Excommunication against Elizabeth, declaring that by her conduct she had forfeited the allegiance of her subjects. News travelled slowly, and correspondence between England and Rome on the eve of the Rising had given the impression that Elizabeth's power was in serious danger. Even when the news of the Rising reached Rome, it was not

[1] Dom Bede Camm, *Lives of English Martyrs*, ii. 178. B. Thomas Plumtree, executed at Durham (4 January, 1570), and described as the "preacher of the rebels," also owes his claim to martyrdom to his rejection of an offer of life on condition of apostasy.

realised that it had given practical proof that the Catholics were unable and mostly unwilling to attempt any effectual active resistance, and that no foreign power was either ready or willing to help them. King Philip declared that the issue of the Bull was a mistake in policy. Even many Catholic writers agree that, however justified were its accusations against Elizabeth, and the logical conclusion that legally she had forfeited the allegiance of her subjects, the publication of the Bull could only incense her partisans and embarrass the helpless victims of her policy.[1]

In England the Catholics, with very few exceptions, recognised that to take any action in consequence of the Bull was out of the question. Resistance had been tried in the North and had failed. Those who could think things out for themselves might well argue that no one was bound to attempt what was actually impossible. But there were some few who by act or word showed that they now felt bound to deny the right of a queen publicly

[1] Dom Norbert Birt, O.S.B., in his masterly work on *The Elizabethan Religious Settlement* (p. 500), points out that when some fifty years later Urban VII was urged to excommunicate the King of Sweden he refused, and gave these reasons for his refusal : "You say that the King of Sweden is *ipso jure* excommunicated as being a heretic ; and therefore to make him more infamous, at least among Catholics, we ought to declare and solemnly anathematise him for an excommunicate." Then after saying that Protestants were out of the Catholic Faith, and therefore might be declared excommunicate, "as Pius V declared Elizabeth of England, and Clement VII the King of England Henry VIII," he went on to say, "But with what success ? The whole world can say. We yet bewail it with tears of blood. Wisdom does not teach us to imitate Pius V or Clement VII, but Paul V, who being many times urged to excommunicate James, King of England, never would consent to it."

declared excommunicated. John Felton, a wealthy citizen of London, published the Bull by fixing a copy of it to the doors of the Bishop of London's house in St. Paul's Churchyard. Arrested and put on trial he gloried in his deed. He was found guilty of treason and executed. On the scaffold he declared that he felt no personal ill-will to Her Majesty, and taking a splendid emerald ring from his finger gave it to one of the Sheriffs as his gift to the Queen.

Another execution, that followed soon after, was that of the lawyer, Dr. John Storey, who had been secretary to Bishop Bonner in Queen Mary's reign. He had left England and lived in Flanders, in the Customs service of the Spanish government. He was kidnapped, brought to London and put on trial for treason. It was alleged that he had conspired against the Queen's life, and plotted to send help to the northern Rising. He denied both charges, but also protested that the court had no jurisdiction to try him, as for years he had been not an English but a Spanish subject. He was condemned and executed with special cruelty. The case of Thomas Plumtree has been already noted. Another priest, Thomas Woodhouse (executed in 1573), had resigned his rectory in Lincolnshire when the legislation of 1559 came into force, and took refuge with a Catholic family of the Welsh border. Here he was arrested while saying Mass in 1561, and then was for twelve years in prison in London. He was brought to trial and condemned to death as the result of his

sending a letter to the Lord Treasurer, Burleigh, in November, 1572, urging him to submit to the Holy See and "to persuade the Lady Elizabeth, who for her own great disobedience has been most justly deposed," to the same submission. (See the full record and documents of his case in Dom Bede Camm's *Lives of the English Martyrs*, vol. ii. pp. 186 *et seq.*)

The five executions of Felton, Woodhouse, Storey, Plumtree and Percy (already mentioned), took place in the years 1570–73, the period immediately following the outburst of anti-Catholic feeling excited by the excommunication. All these five names appear in the list of the English martyrs beatified by Leo XIII. As has been already noted, Percy and Plumtree had refused pardon at the price of apostasy. As to the three others, it has been objected that they were executed not for their religion but because they either disavowed or failed to admit clearly their civil allegiance to the Queen, and so died for treason. As to these three cases it is well to note what has been said by the late Fr. John Morris, S.J. He wrote with special authority, not only because of his exceptional knowledge of the Elizabethan period, but also because he was one of those officially engaged in the proceedings that resulted in the issue of the decree of beatification by Leo XIII. He points out that this decree, a preliminary step in the process of Canonisation, was based mainly on evidence of honours permitted to those included in it by Gregory XIII, as the result of contemporary

repute of martyrdom. It is therefore not a final decision. For Catholics, of course, this final decision still rests with the Holy See. As Fr. Morris puts it :

> The truth is that in that decree of beatification the various cases were not judged on their merits, but only on the single fact of whether or not they are included amongst those whose pictures were put up in the College church at Rome under Gregory XIII. When Plumtree, Felton, Storey and Woodhouse, who all now have the title of Blessed, come to be proposed for Canonisation, their claim and right to the title of martyr will be investigated and decided. Meanwhile it is our duty to regard the matter as undecided by the only tribunal that can speak in the name of the Church and with her full authority.[1]

Here it may be well to point out that we find only one further case of this kind—and that much later—in which a similar objection might be raised. Included in some records of martyrdom is the name of a layman, James Layburne, executed at Lancaster in 1583. Though some contemporaries wrote of him as a martyr, his name is not included in the process of the English martyrs introduced at Rome in our own time, and in his *Acts of English Martyrs* (pp. 212–13) Fr. J. H. Pollen says :

> Challoner does not include James Layburne in his *Memoirs of Missionary Priests*, because his case was different from all other Catholics who suffered at those times ; for both at his arraignment and at his death he denied the Queen to be his lawful sovereign, as we

[1] Preface to Fr. J. H. Pollen's *Acts of English Martyrs* (1891), p. xv.

learn from Cardinal Allen and other contemporary writers. And George Birkett, a priest, writing from London at the time to Dr. Allen, expresses a doubt "whether his zeal was according to knowledge," because "he altogether denied the right and title of the Queen even in temporals, and touched with some sharpness upon her illegitimacy."

We thus find in the long list of those for whom the honours of martyrdom are claimed only these few cases (all but one soon after the Bull) in which it can be alleged that they were condemned for denying the rights of the Queen not merely in matters of religion but also in the civil order of allegiance. Catholics rightly distinguished between these spheres of right, and gave to Cæsar what was Cæsar's and to God what was God's.[1] Thus no claim for the honours of martyrdom was made for the northern insurgents executed under martial law, still less for men like Babington and his accomplices whose later plot included the murder of the Queen. Throughout treason in the old true sense of the word was counted a different

[1] Though the case occurred a few years after Elizabeth's death, the distinction was so clearly put by the Benedictine Martyr, the Ven. John Roberts, O.S.B. (1610), that it may usefully be quoted here. At his trial the Bishop of London (Somers) was on the Bench with the judges, and proposed the Oath of Allegiance to him: "What say you, Mr. Roberts? Will you take this oath or not?" Fr. Roberts replied: "Sir, you know very well what I think about this oath. I have not refused, nor shall I ever refuse to take any oath of allegiance offered me, which shall in truth be only such, but this oath contains other matter besides allegiance. I have before offered to prove this to you, and to point out what part concerns matters of Faith. If these parts be expunged, I was willing then, as I am now, to swear to the rest, which only concerns allegiance to my sovereign."—*Arraignment and Condemnation of John Roberts, O.S.B.*, quoted by Pollen, *Acts of English Martyrs*, pp. 146–7.

thing from the law-made treason of the penal statutes against religion. The one marked the rebel or the criminal, the other the martyr.[1]

VII

BUT after the northern Rising and the Bull, the government and its apologists assumed that all Catholics must be disloyal traitors. The penal code was extended by new enactments, all of them dealing with religious matters. For some years after the executions already noted there were no further butcheries for alleged treason, but the process of arrest, fine and imprisonment was freely used. When the executions were resumed, Cecil, in his pamphlet on *The Execution of Justice in England*, published in 1583 in defence of the government policy, began with the daring and mendacious assertion that in the opening years of her reign Elizabeth had interfered with no man's conscience or religion, and went on to argue that all the later severities of her government were directed only "against certain stirrers of sedition and adherents of traitors and enemies of the realm without any persecution of them for religion."

[1] The case of Roger Ashton, executed at Tyburn, 23 June, 1592, is an exceptional one. According to earlier writers the chief charge on which he was condemned was that of bringing into England a papal marriage dispensation. (See Challoner, *Memoirs of Missionary Priests*, ed. 1924, p. 186.) But more recently discovered evidence points to the fact that the real grounds of his condemnation were of a more political character. His case is one of the 252 now before the judges in Rome, and it will be interesting to see what the *promotor fidei* (the "devil's advocate") may have to say to it.

But the new legislation, though thus described as directed not against religious ideals, but against disloyalty, was based throughout on the penalising of Catholic religious practices, and was intended to stamp out the priesthood and banish the Mass and the Sacraments of the old Church from England.

The legislation of 1559 had enacted[1] that persistent opposition to the Royal Supremacy might be counted as High Treason. The new legislation extended the awful penalties of treason to other so-called offences. Amongst these were reconciling a convert from Protestantism or a lapsed Catholic to the Church, and going abroad to receive Holy Orders, and returning to England to exercise the priestly ministry. To say Mass was therefore easy proof of treason. But this penal legislation affected more than the priests who came back to England. For the courts could and did condemn as guilty of High Treason those who co-operated in any way with a treasonable act, or who concealed "traitors," or rescued them from arrest or captivity. So hearing Mass became a crime, and concealing or assisting priests was a crime, and all these were capital offences.

There were further new "crimes" defined by the law, creating such a long list of "treasons" and "felonies" that it would have been legally possible to arrest every remaining Catholic in England, and the agents of the government had unlimited choice as to how many they might

[1] Clause V of the Act, 1 Eliz., cap. i.

persecute and harass. An Act passed in 1571 made it High Treason to deny the Queen's title, or describe her as a "heretic," or to bring Bulls from Rome into the kingdom, and made it a crime, punishable by the penalties of the Statute of Praemunire (fines, forfeiture and prison), to bring into England what are popularly known as Catholic objects of devotion,—"Agnus Deis," rosaries, crucifixes, medals, and as the Act put it "such-like vain and superstitious things." Under this wide range, covered by the term "such-like," it was in practice extended to make a criminal act of circulating or even possessing Missals, Catholic prayer books and books of instruction. This legislation again received a wider extension in the practice of the courts, for we find from time to time the possession of such objects used as part of the proof that the person who had brought them into England must be one of the missionary priests.

The old mansions and manors of the Catholic gentry were often the places where Mass was secretly said and priests found hospitality and concealment. It was from the standpoint of the government important to ruin these protectors of the mission priests. The fines for refusing to attend the new Church services had been originally fixed, in 1559, at 12 pence—perhaps because they were to be levied on even the poorer folk by the parish officials—but the more thorough-going legislation of 1581 increased the fine to £20 a month. It was meant to impoverish the Catholic gentry. For this was not the £20 of modern

currency, but money that had a buying power at least ten times greater. It was equivalent to being mulcted of £200 a month for persisting in refusing to commit an act of apostasy from the old Faith.

There grew up a new trade of spies and informers who hoped to have their reward in the plunder of the Catholics. There was a new official occupation of priest-hunters. Torture was at work in the Tower and elsewhere to extort from prisoners confessions as to their "accomplices."

There had been a temporary relaxation of the enforcement of the law while new negotiations for Elizabeth's marriage with a French prince, a Catholic, were in progress. But from 1580 to the end of the Queen's reign there was never again even a partial truce with the Catholics. The first of the missionary priests had arrived from the foreign seminaries, and then the first Jesuit missionaries came to help them.[1] There was no longer the prospect of priesthood and the Mass disappearing from England as the last of the Marian priests died off. So the effort was made to trample out the missionary campaign of the colleges on the Continent. With this object further additions were made to the rigours of the penal code of persecution. In 1581 an Act of Parliament made it High Treason to convert anyone "to the religion of Rome." The wide sweeping enact-

[1] The first four priests from Douai—Louis Barlow, Thomas Metham, Martin Nelson and Henry Shaw—were sent to England in 1574. (*Douai Diaries*, p. 24.) The first Jesuits, Persons and Campion, set out for England in 1580.

ment of 1585 (27 Eliz., cap. ii) was entitled "An Act against Jesuits, Seminary Priests and such other-like disobedient Persons." It enacted that—

1. All and every Jesuits, Seminary Priests and other Priests made and ordained out of the Realm, or within any of Her Majesty's Realms or Dominions by any authority derived, challenged or pretended from the See of Rome, shall depart within forty days under pain of High Treason.
2. That all Jesuit and Seminary Priests entering the Realm should be guilty of High Treason.
3. Those who received them were to be guilty of Felony.
4. Students in Seminaries were directed to return and take the Oath of Supremacy.
5. It was forbidden to send them any money.

Other clauses provided for Shipmasters taking Jesuits and other priests into exile, declared penalties for not informing against them and set forth arrangements for administering the Oath of Supremacy.[1]

The official reason for this legislation was that action must be taken to repress seditious and treasonable practices. But the very proceedings taken to put the penal code into force reveal its true purpose.

This is an important and significant point which must not be left out of account. In almost every

[1] See Fr. J. H. Pollen's examination and criticism of the new law in his articles in the *Month*, January and March, 1922. He points out that of the 227 martyrs who suffered in and after 1585, 181 were indicted and condemned under this Act, including 147 priests.

country in Europe in our own days there have been from time to time laws enacted or official decrees and proclamations issued to repress what are described as "seditious and treasonable" movements and conspiracies. A prominent feature of all such legislation, whether by Parliamentary procedure or administrative decree, is the penalising of the secret fabrication, importing or possession of arms and munitions ; and again, the production or possession in print or writing of incitements to rebellion, plans for such action, and books of military instruction in tactics and the use of arms and explosives. The search for and seizure of things of this kind are at such times a large part of the repressive measures of government agents.

What a contrast there is between all this and the Elizabethan penal code and its enforcement ! In the laws there is not a word about incitements to or preparations for insurrection. The hunt of the "pursuivants" and magistrates is not for would-be rebel officers and organisers, but for priests. When they search the baggage of a prisoner or break into the panelling and cupboards of a Catholic country house, they are looking for, and they find, not armour and weapons, gunpowder and bullets, but crucifixes, rosaries, chalices and Mass vestments. As they turn over the papers in a desk or chest, they are not searching for, and they never find, seditious documents bearing on a coming rising or suggestions as to the possibilities of improvised warfare. What they look for, and

sometimes find, are Mass books, breviaries, prayer books and catechisms.

Yet Cecil protested to all Europe, in the Latin version of his treatise on *The Execution of Justice in England*, that the action of the government was directed not against religion, but against the misdeeds of traitors.

There was no resistance on the part of the Catholics to the raids of the priest-hunters. When they descended on some old manor house of a recusant squire, not a shot was fired or a blow struck in its defence. Very rarely in the records of the time one comes upon such an incident as that of the serving man in a London house[1] who tried to cover the escape of a hidden priest by seizing the leading pursuivant as he mounted the narrow stair, and rolling to the bottom of it with his opponent clasped in his arms. He was arrested and hanged for thus opposing the law. Other Catholics, including two brave ladies, went to prison and death for aiding in the escape of a captive priest.

The bishops were keen on the enforcement of the law. Their reports and correspondence tell of the search for and arrests of "Massing priests," the need of checking the opposition of the recusants to the new Church service, and the unwelcome evidence of the number of Catholics still left, especially in the northern counties. They urge upon the Queen and Council the need

[1] Ven. John Mason, executed at Tyburn, 10 December, 1591. Cf. Pollen, *Acts of English Martyrs*, p. 111.

of further measures of repression and strict enforcement of existing laws. But they nowhere suggest danger of a Catholic rising. Some of the exiles abroad were busy with projects for foreign intervention. The Catholics in England had no part in them during more than thirty years of ever-intensified coercion.

The missionary priests came to England with instructions that they were to hold aloof from politics, and devote themselves to ministering to the faithful Catholics and restoring to the Church those who had lapsed or conformed. Before the first two Jesuit missionaries arrived they obtained in Rome both an official statement and the opinion of a leading theologian that the Bull of Excommunication did not impose upon the Catholics in England any disobedience to the civil authority of the Queen. Their instructions were that "they were not to entangle themselves in matters of State" or even write any political news, or engage in any talk against the Queen, or allow others to do so.[1]

VIII

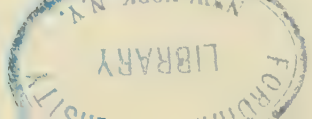
THERE are records of the trials and executions of many victims of the penal code. We may take as a typical and interesting case that of

[1] Pollen, *English Catholics under Elizabeth*, p. 292. For full detail of instructions, *ibid.*, pp. 292–6.

B. Cuthbert Mayne, the first of the missionary priests to suffer death for alleged "treason" under the new laws.[1] He was executed at Launceston on 29 November, 1577. He had reached England from Douai in the spring of 1576, and carried out his priestly duties in Cornwall, where he found hospitality in the house of a country squire, Mr. Francis Tregian of Golden. Tregian afterwards suffered long imprisonment and forfeiture of his property for thus harbouring and concealing the priest, who was arrested during a raid upon the house by Mr. Richard Grenville, the sheriff of Cornwall, in June 1577.

When Mayne was put on his trial at the county town the indictment made five charges against him. None of these accused him of any kind of sedition, disloyalty or treason in the ordinary and rightful sense of the terms, nor was there a word of plots and conspiracies. All five charges bore only on "matters of religion." The sum of them all was that he was a priest. The five counts of the indictment were under various Acts of the 1st and 13th Elizabeth: (1) that he had obtained from the Pope a "faculty" containing absolution of the Queen's subjects; (2) that he had published this at Golden; (3) that he had taught the ecclesiastical authority of the Pope to prisoners confined with him in Launceston gaol; (4) that he had brought into the realm an "Agnus Dei" and given the same to Mr. Tregian; (5) that he had said Mass.

[1] Cf. Camm, *Lives of the English Martyrs*, ii. 204–22.


LIBRARY

Called upon to defend himself, Mayne showed that, as to the first and second counts, the document produced was not a "faculty" of any kind from the Pope, but only a reprint made at Douai of the proclamation of the Jubilee of 1575. It was out of date by two years, and of no effect anywhere, and he could not have published it at Golden or anywhere else. As for the third count, he had never said one word about the Pope's authority to the three illiterate prisoners brought from the gaol to swear against him; as to the fourth point, the law referred not to the possession of an "Agnus Dei" but to bringing it into the kingdom, and not a word of evidence had been given that he had brought it to Cornwall. As to the fifth count, the mere fact that a Missal, chalice and vestments had been found in his room was no proof that he had said Mass or was a priest.

In his charge to the jury the judge said, with reference to this important fifth count, that where absolute proof had not been given they might all the same find a verdict on "strong presumption." But the Cornish jurors hesitated a long time to find a verdict. It was not till after the sheriff, Grenville, against all law and order, had gone into the jury room and bullied them into agreement, that at last they returned a verdict of guilty, on all counts, of High Treason. Mayne was sentenced to die the traitor's death—to be drawn to the gallows, hanged, cut down still living, then ripped up, disembowelled, beheaded and quartered. The sentence was duly executed, and Richard Grenville

received the honour of knighthood for his "good service."[1]

Here is a test case. The first of the seminary priests is brought to trial—one of the men at a later date libelled by Cecil as emissaries of treason and stirrers up of sedition. But in the indictment there is not a word of such things. Had there been a shadow of proof of them, they would have been alleged. But every count against Mayne bears upon "matters of religion" and these only.

From 1585 onwards (27 Eliz.) many more of the seminary priests were sent to death for their priesthood—for by statute law priesthood was now treason. Let us take a later instance of this which has some interesting points—the case of Roger Dickenson or Dicconson, executed for treason at Winchester on 7 July, 1591.[2] In his early life in Lincolnshire he had for awhile conformed to the new religion, and gone frequently to the Church service. But he was reconciled to the Catholic Church and went to the English Seminary, then transferred from Douai to Rheims. He was ordained priest and returned to England. Arrested in 1583 he was tortured, apparently with the object of finding out what other priests had come with him from Rheims. Notes of his examination tell how he admitted he was a priest, but declared he could not in conscience say who had come with him to England. He said too that

[1] To most people he is best known as one of the naval heroes of Elizabeth's reign.

[2] Cf. the record in Pollen, *Acts of English Martyrs*, pp. 83 *et seq.*

"he was sorry that he went so long to church." After this he was committed to the Gatehouse prison for a year "for religion,"[1] as the writ of the Privy Council puts it quite frankly. He was then exiled "for life" from England, but speedily returned and laboured first in the west and then in Hampshire.

Here by the vigilance of Cowper, Bishop of Winchester (one of the most active of the episcopal priest-hunters), he was arrested while actually saying Mass, and all present were made prisoners with him. The new Act of 1585 was now in force. In the records of the Privy Council[2] there is a letter to Bishop Cowper "commending his care and diligence," and directing him to send the priest to London for examination—and "examination" once more proved to mean torture. He was sent back to Winchester for trial and indicted, "for that he had been made priest beyond seas, come into the realm against the statute and said Mass." Asked what he had to say that judgment should not be passed upon him, he replied: "Truly, my Lord, I can say no more than I have said. I came into the realm, my native country, to give myself to study, to prayer and to devotion, and use my function, and that I hope is no treason." At the foot of the gallows he was told by the Sheriff that if he would "deny the Pope and live as a good subject, he might yet have mercy." His answer was: "I will never deny my religion.

[1] P.R.O. *Dom. Eliz.*, vol. clxix, p. 24.
[2] Quoted in full by Pollen, *Acts of English Martyrs*, p. 89.

But as for Her Majesty, I have prayed for her, and if I had a thousand days to live I would ; and at His House, I pray God she may both body and soul inherit the Kingdom of Heaven."

With him there suffered a humbler victim of the law, Ralph Millar, a husbandman. He had been arrested with the priest at Mass. The charge against him was that he had consorted with and aided a seminary priest. The indictment was for " felony," so he was condemned only to be hanged without the added horrors of a treason sentence. To the Judge's question why he refused " to go to church," he replied that he had been born in the days of Henry VIII, and would die in the Faith in which he was baptised. He asked that some care might be taken of his wife and young children, and the answer was, " Go to church, fool, and look to them thyself." He replied that the loss of his soul would be too high to pay, and he hoped that where he was going he might be able to help them. At the foot of the gallows he was again offered pardon and freedom if he would go to church. " No, no, I will hang," he answered, and " reached his hand to the ladder and went up " to his death.

It would be easy to multiply these detailed examples in proof that the victims of the Elizabethan persecution suffered and died for their religion. It would be easy too, to give a long list of the offers of freedom and pardon made to many of them after arrest and up to the very time of their execution. Was this an offer that would thus have been repeatedly made to conspirators

engaged in treason against the Queen and the State?

There were some few cases in which the prosecution attempted to connect the martyrs with treason—treason in the usually accepted meaning of the word. Thus, to take such an instance, when Edmund Campion was arraigned[1] with several of his fellow Catholics, the Counsel for the Crown argued that the Rising of the North and the help given by King Philip to the Irish chiefs were standing proofs that the Catholics generally, and therefore the accused among them, must be disloyal. Campion rightly asked what matters, in which he had no concern or part, had to do with him, and what they proved against him. Jesting with danger, he asked the judge if the argument of the Crown did not remind him of the story of the poor countryman, accused of sheep stealing, against whom it was argued that some of his kinsfolk had once stolen a sheep, and he himself liked mutton, so it must be concluded that he was an habitual sheepstealer. Campion declared, with good reason, that he had never engaged in any political matters unless one could thus describe his exhortations to his fellow Catholics to be faithful to the Queen in all civil matters. As for a charge that he had conspired at Rheims with his fellow prisoners, he argued that this charge fell to the ground, for not a word of evidence had been given that he had ever even met any of them at

[1] Cf. the account in Camm's *Lives of the English Martyrs*, ii. 266–357, based on fuller data than Simpson's *Life*, Challoner, etc.

Rheims. As a matter of plain fact he had never been there with them. But argument went for little. As a pioneer of the Jesuit mission he was doomed in advance, and accusation was inevitably followed by the verdict of guilty. He was offered freedom, life and even high promotion in the new Church of England, if he would conform. At Tyburn gallows he was asked if he would pray for the Queen, and replied: "Yes, I pray for her—for your Queen and my Queen."

There were cases when, during the examination under torture, or in the court, the Bull of Excommunication was made the text for questions intended to draw the accused into what could be interpreted as an admission of disloyalty. Such was the case of young Sherwood, a layman and a London draper.[1] There are writs of the Privy Council ordering that he shall be tortured to force him to give the names of priests he had met. One horrible order of the Council, issued after frequent use of torture, directs that if he still refuses to speak he must be put in a dark dungeon "among the rats."[2] Another communication from the Council addressed, on 4 December, 1577, to the Lieutenant of the Tower, the Attorney-General and Solicitor-General and the Recorder of London, refers to Sherwood having wished to retract words he had spoken of the Queen as a heretic and usurper, and suggests that with further torture he might be

[1] See the record of his case in Pollen, *Acts of English Martyrs*, pp. 1–20.

[2] Cf. Warrant of Council, Windsor, 17 November, 1577, with letter to Lieutenant of the Tower, Pollen, *Acts of English Martyrs*, pp. 11–12.

brought "to discover other persons." The Council at the same time sends "right hearty thanks" to the officials "for the pains they have taken in the examination." But there is no mention of any feeling for the prisoner under the "pains" inflicted on him in defiance of the law and immemorial usage of England.[1]

It appears that on the rack Sherwood had been questioned as to the Bull, and on his acknowledging that, if it had really been issued, the "Queen was declared a schismatic and heretic," he was asked if this did not also imply that she was not his lawful sovereign. Presently we find the prosecution continually trying to entrap prisoners in another way by questions as to what they would do if the Pope were to invade England. Would they oppose him? Tudor justice disregarded the principle that no man can be bound to incriminate himself; and again, that men are put on trial for what they have done, not for what they might or might not do at some future time under hypothetical circumstances. And it must not be forgotten that these methods were used when, under the law of the time, the accused in cases of treason was not allowed the help of counsel in his defence. One of the martyrs, a priest, plainly told the court that whoever invaded England he would tell his people to stand by their Sovereign in any rightful cause.

But in the vast majority of cases the plain issue was not complicated by such manœuvres. The

[1] Cf. Pollen, *Acts of English Martyrs*, pp. 13–14.

charge of being a priest and saying Mass was all that was argued or included in the accusation, this being varied in the case of laymen and women by making the charge that of hearing Mass or aiding the priests. The indictment noted that the acts charged were treason or felony by such and such statutes which were named.

In 1588 there came the crisis in which the Catholics in England gave proof, acknowledged by all historians, that, though they denied the claim of the Crown to interfere in religious matters and force a new Faith and practice upon them, they were ready to stand by the Queen in any temporal matter; and that much as they had to endure they did not look for relief to foreign arms. Spain's "Great Armada" was on the sea, and Parma's veteran army was to be brought into England if King Philip's fleet could gain command of the Channel. To a man the Catholics stood by the Queen, though by her warrant their priests and their kinsmen had been sent to prison and to death, and they had been for years subjected to fines, forfeitures and endless harassing in order to force them into conformity with the new Established Church of England.

It was not until 24 August that it was known that the peril was over. There had been anxious times in England when Howard of Effingham abandoned the pursuit of the Armada off the Forth and the Spanish fleet disappeared into the northern mists. There were rumours and fears that it was refitting in the Fjords of Norway, and would

soon reappear off the English coasts. Howard's fleet lay in the lower Thames, short of supplies, and with so many of its crews sick of fever in the sheds, barns and tents about Margate that the Admiral reported to the Council that if the enemy should come back he had hardly men enough left on board his ships to weigh anchor and make sail.[1] At last, on 24 August, there were certain tidings that the Armada had rounded the north of Scotland and was on its way back to Spain.

Then followed an episode left unmentioned by nearly all our popular histories of the victory over the Armada. Only three days after the news came and the danger was over for good and all, the Queen's government put on trial in London fourteen Catholics, all of whom had been long in prison. They were six priests, seven laymen and a lady. The charges against them were all connected with priesthood and the Mass. The lady, Mrs. Margaret Ward, had already suffered torture in prison after being arrested for arranging the escape of a priest. What a triumph it would have been for Cecil, Lord Burleigh, whose plea was that Catholics were persecuted only when they were traitors, if in the midst of the nation's rejoicings and excitement over its escape from the Spanish peril, it could have been shown that the accused had connived with the enemy or tried to assist or even to gain sympathy with the hostile enterprise ! But no such charge was made. The fourteen Catholics were all indicted and con-

[1] Howard to Walsingham, *Armada Papers*, ii. 144.

demned for matters of religion. On 28 August eight of them were executed at various places in London and its suburbs. On the 30th six more were put to death at Tyburn gallows as a kind of "grand finale" to this massacre, by which Elizabeth showed how little gratitude she felt for the loyalty of her Catholic subjects.[1]

Just a hundred years later, in 1688, the Protestants were welcoming a Dutch invading army to England!

IX

TO sum up our argument: we maintain that the Catholic martyrs of Elizabeth's reign were the victims of religious persecution,

[1] The fourteen victims were:

Executed on 28 *August.*

Robert Morton, priest; Hugh Moor, layman — at Lincoln's Inn Fields.
William Gunter, priest, before the Theatre in Shoreditch.
Thomas Holford, priest, at Clerkenwell Green.
William Dean, priest; Henry Webley, layman — at Mile End Green.
James Claxton, priest; Thomas Felton, Church student — at Isleworth, Middlesex.

Executed on 30 *August:*

Richard Leigh, priest
Edward Shelley, layman
Richard Martin, layman
Richard Flower, layman
John Roche, layman
Mrs. Margaret Ward
— at Tyburn Tree, London.

Cf. Pollen, *Acts of English Martyrs*, pp. 286 *et seq.*

and suffered not for sedition or treason, but for matters of conscience and religious belief and practice.

If some few of them challenged the civil authority of the Queen, they were the exceptions to the general rule and policy of the Catholics in England, who were the victims of the government.

For those who rose in arms in the Northern Insurrection of 1569, the honours of martyrdom have not been claimed except in the case of Percy and Plumtree, who were offered life and pardon if they would disavow the Catholic Faith.

As to the isolated later cases of those who refused to acknowledge civil allegiance to the Queen, this is a point which, if further steps are taken for their Canonisation, will be debated by a competent court as a possible bar to their claim. Meanwhile, it does not affect the evidence as to the general attitude of the Catholic body and the vast majority of those who suffered under Elizabeth's penal laws.

Our evidence rests upon the very nature of the Elizabethan Church legislation and the penal code that enforced it ; the charges formulated and the evidence relied upon at the trials ; reports of the Protestant episcopate ; orders of the Privy Council ; the conduct and words of the accused at the trials ; the clear distinction they made between civil allegiance and the acknowledgment of the new claim of the Crown to supremacy in matters of religion ; the concentration of the government policy on the suppression of the Mass and the

extirpation of the Catholic priesthood ; the martyrs' declarations of loyalty to the Queen in all temporal matters ; the offers of life and pardon made to many of them as the inducement to apostasy ; the abstention of the Catholics, year after year, and under dire provocation, from any idea of armed resistance ; and finally their conduct in the crisis of 1588.

E3PL
2-M

FORDHAM UNIVERSITY
LIBRARY
NEW

Y0-BJU-350